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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,735	12/10/2003	Judith D. Auslander	F-734	6682

7590 01/26/2006

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Intellectual Property and Technology Law Dept.
35 Waterview Drive
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Shelton, CT 06484

EXAMINER

FAISON, VERONICA F

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,735

Applicant(s)

AUSLANDER ET AL.

Examiner

Veronica F. Faison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 13, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Vanmaele et al (US 2003/0209166).

Vanmaele et al teach a novel type of dye (DYE)_n (SAU)_m that is capable of self-assembling (abstract). The reference further teaches that (DYE) means any chromophore with an absorption maximum between 200 nm and 2000nm (para. 0031-0033). Any dye fragment and any dye can be used as DYE fragment such as azo dyes, anthraquinone dyes, stilbene dyes, pyrene dyes, phthalocyanine dyes, and flavin dyes (para. 0066). See Table 1 for specific dye structures. The reference also teaches that the dyes are present in the amount of 0.5 to 40 percent by weight that may be used in water based inks, in solvent and/or oil based ink, in UV-curable ink and ink hot melt inks (para. 0135-0137). The composition as taught by Vanmaele et al appears to anticipate the claimed invention.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11, 14-17, 24, and 30-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathias (US Patent 5,135,569) in view of Vanmaele et al (US 2003/0209166).

Mathias teaches an ink composition comprising a fluorescent dye, a black ink and a solvent (abstract and col. 2 lines 38-41). The reference further teaches that any commercial black ink can be used. The reference also teaches that any commercially available fluorescent dye may be used in the ink composition (col. 3 lines 34-61). The dye may be used in the amount of 0.01 to about 15 percent by weight (col. 5 line 68-col. 6 line 15).

Vanmaele et al teach a novel type of dye (DYE)_n (SAU)_m that is capable of self-assembling (abstract). The reference further teaches that (DYE) means any chromophore with an absorption maximum between 200 nm and 2000nm (para. 0031-0033). Any dye fragment and any dye can be used as DYE fragment such as azo dyes, anthraquinone dyes, stilbene dyes, pyrene dyes, phthalocyanine dyes, and flavin dyes (para. 0066). See Table 1 for specific dye structures. The reference also teaches that the dyes are present in the amount of 0.5 to 40 percent by weight that may be used in water based inks, in solvent and/or oil based ink, in UV-curable ink and ink hot melt inks (para. 0135-0137).

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Therefore it would have been obvious to one of ordinary skill in the art to use the dye taught by Vanmaele et al in the ink composition of Mathias, because Mathias teaches that any dye may be used, absent tangible evidence to the contrary.

Claims 5, 7, 1218-23, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanmaele et al (US 2003/0209166).

Vanmaele et al teach a novel type of dye $(DYE)_n(SAU)_m$ that is capable of self-assembling (abstract). The reference further teaches that (DYE) means any chromophore with an absorption maximum between 200 nm and 2000nm (para. 0031-0033). Any dye fragment and any dye can be used as DYE fragment such as azo dyes, anthraquinone dyes, stilbene dyes, pyrene dyes, phthalocyanine dyes, and flavin dyes (para. 0066). See Table 1 for specific dye structures. The reference also teaches that the dyes are present in the amount of 0.5 to 40 percent by weight that may be used in water based inks, in solvent and/or oil based ink, in UV-curable ink and ink hot melt inks (para. 0135-0137).

Vanmaele et al fails to specifically exemplify the use of formulas as claimed by applicant. Therefore, it would have been obvious to one of ordinary skill in the art to use the specific formulas as claimed by applicant as Vanmaele et al also discloses the use of formulas but shows no example incorporating them.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Veronica F. Faison whose telephone number is 571-

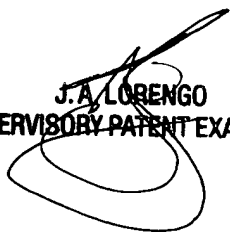
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272-1366. The examiner can normally be reached on Monday-Thursday and alternate Fridays 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VFF
1-20-06


J.A. LORENGO
SUPERVISORY PATENT EXAMINER